

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6493

BILL NUMBER: SB 269

NOTE PREPARED: Dec 17, 2012

BILL AMENDED:

SUBJECT: Minors and Tanning Beds.

FIRST AUTHOR: Sen. Miller Patricia

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill prohibits a child less than 18 years of age from using a tanning device in a tanning facility. The bill also repeals a provision requiring a person less than 16 years of age to be accompanied by a parent or guardian when using a tanning device in a tanning facility.

Effective Date: July 1, 2013.

Explanation of State Expenditures: The State Board of Cosmetology and Barber Examiners (SBOCBE) would likely need to place an informational bulletin on the Professional Licensing Agency (PLA) website announcing the proposed change in age for a child to use a tanning device. It is likely the SBOCBE would be able to approve of bulletin language within the course of a regularly scheduled meeting of the board. The SBOCBE was scheduled to meet six times during 2012.

PLA- There would be some additional PLA staff time involved to produce the bulletin language. However, it is likely the PLA would be able to produce the bulletin language within the agency's existing level of resources.

Explanation of State Revenues: A person violating the requirements of the bill would be subject to a Class C misdemeanor as provided in current law for a violation of the tanning bed statute. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C misdemeanor is \$500. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit or superior court, 70% of the \$120 court fee that is assessed and collected when

a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the automated record keeping fee (\$5), judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

Explanation of Local Expenditures: A Class C misdemeanor is punishable by up to 60 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Persons found guilty of a felony or misdemeanor are also required to pay the document storage fee (\$2), which is deposited into the clerk record perpetuation fund, and the jury fee (\$2) and the law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund.

State Agencies Affected: Professional Licensing Agency, State Board of Cosmetology and Barber Examiners.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Professional Licensing Agency website: www.in.gov/pla.

Fiscal Analyst: Chris Baker, 317-232-9851.